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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 vs.
13 Douglas E. Annino
14 Defendant.

CR 17-00932-TUC-JAS (DTF)

PLEA AGREEMENT

Fast Track U.S.S.G. § 5K3.1

15 The parties enter into the following agreement:

16 1. Defendant will enter a plea to Count 1 of the Information, Aiding and
17 Abetting Aliens to Elude Examination and Inspection by Immigration Officers of the
18 United States, a misdemeanor offense, in violation of 8 U.S.C. § 1325, 18 U.S.C. § 2.

19 2. The government will dismiss the Indictment charging the defendant with
20 Conspiracy to Commit Offense or to Defraud United States, a felony, in violation of 18,
21 United States Code, Section 317 and Bringing in of an Illegal Alien for Purpose of
22 Commercial Advantage or Private Financial Gain, a felony, in violation of Title 8, United
23 States Code, Section 1324(a)(2)(B)(ii). The government will dismiss this charge at the time
24 of sentencing.

25 3. The elements of Aiding and Abetting Aliens to Elude Examination and
26 Inspection by Immigration Officers of the United States are as follows:

27 a. The defendant ~~did transport~~ *allowed into the* aliens that ~~she~~ *US on* knew to be in the United States
28 illegally;

MB

US on
[Signature]

12-3-18

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② ②

1 b. The defendant did so to aid and abet the aliens' presence in the United
2 States;

3 c. The defendant did so to assist the aliens in eluding examination and
4 inspection by Immigration Officials of the United States.

5 4. The maximum penalty for the offense to which the defendant is pleading
6 guilty is six (6) months in custody, a \$5,000 fine, and a \$10 special assessment.

7 5. Pursuant to this plea agreement and Fed. R. Crim. P.11(c)(1)(C), the
8 government and the defendant stipulate to no jail time.

9 6. As a condition of this plea, the defendant agrees to immediately resign
10 from Customs and Border Protection, and agrees not to seek future employment with
11 any federal agency with border security responsibilities throughout the term of
12 probation.

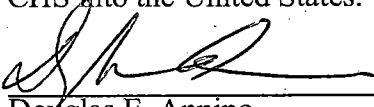
13 7. The defendant recognizes that pleading guilty may have consequences with
14 respect to his/her immigration status if defendant is not a citizen of the United States.
15 Under federal law, a broad range of crimes are removable offenses, including the offense(s)
16 to which defendant is pleading guilty. Removal and other immigration consequences may
17 be the subject of a separate judicial or administrative proceeding, and the defendant has
18 discussed the direct and collateral implications this plea agreement may have with his or
19 her defense attorney. Defendant nevertheless affirms that he/she wants to plead guilty
20 regardless of any immigration consequences that this plea may entail, even if the
21 consequence is defendant's automatic removal from the United States.

22 8. Defendant waives: (1) any right to appeal the Court's entry of judgment
23 against the defendant; (2) any right to appeal the imposition of sentence upon defendant
24 under 18 U.S.C. § 3742 (sentence appeals); and (3) any right to collaterally attack
25 defendant's conviction and sentence under 28 U.S.C. § 2255, or any other collateral attack.
26 This waiver shall not be construed to bar an otherwise-preserved claim of ineffective
27 assistance of counsel or of "prosecutorial misconduct" (as that term is defined by Section
28 II.B of Ariz. Ethics Op. 15-01 (2015)).

9. Factual Basis for Plea:

On June 18, 2012, Alberto (deceased) met with CHS in Agua Prieta and they proceeded on foot to the DOU/POE. The CHS is an undocumented alien. Upon arrival, ALBERTO led the CHS into the pedestrian lane processing area. The CHS saw ALBERTO present his crossing documents to Defendant CBPO ANNINO for entry into the United States. After being waived into the United States, by Defendant CBPO ANNINO, the CHS presented his/her Mexican Passport to Defendant CBPO ANNINO. The passport lacked the proper documentation to allow the CHS legal entry into the United States (i.e. a U.S. Visa). Defendant CBPO ANNINO reviewed the document for several seconds, then ran the passport behind, not through, the document reader and admitted the CHS into the United States.

12/03/18
Date


Douglas E. Annino
Defendant

MP3
did not respond to an invalid travel document notice


12-3-18

DEFENSE ATTORNEY'S APPROVAL

I have discussed this case and the plea agreement with my client in detail and have advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the constitutional and other rights of an accused, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea, including the defendant's waiver the right to appeal. No assurances, promises, or representations have been given to me or to the defendant by the government or by any of its representatives which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client. I agree to make a bona fide effort to ensure that the guilty plea is entered in accordance with all the requirements of Fed. R. Crim. P.

11.

12/3/18
Date



Joy Bertrand, Esq.
Attorney for Defendant

GOVERNMENT'S APPROVAL

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

ELIZABETH A. STRANGE
First Assistant United States Attorney
District of Arizona

12-3-18
Date


Mike Jette
Assistant U.S. Attorney